IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

-

**WRIT PETITION NO : 17516 of 2004**

Between:

T.V.N. N. Ram Prasad, S/o. T.Satyanarayana,
R/o. H.No. 43/71, E.N.R. Pet, Kurnool.

**..... PETITIONER**

AND

1. Govt. of A.P. Medical & Health Department,

rep. by its Principal Secretary to Government,
Secretariat, Saifabad, Hyderabad.

2. Director of Medical Education,

Andhra Pradesh, Hyderabad.

3. Superintendent, Govt. General Hospital,

Kurnool.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to terminate the service of the Petitioner as a Dental Assistant Surgeon in Government General Hospital, Kurnool by issuing proceedings through the second respondent in Rc.No. 23501/E11.D/04 dated 9-9-2004 as being illegal, arbitrary, discriminatory and unconstitutional and set aside the same.

**Counsel for the Petitioner: MR.S.NIRANJAN REDDY**

**Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMILY WELFARE**

The Court made the following:

**ORDER:**

This writ petition is filed to declare the action of the respondents in seeking to terminate the service of the petitioner as a Dental Assistant Surgeon in Government General Hospital, Kurnool, by issuing proceedings through the second respondent in RC.No.23501/E11.D/04 dated 09.09.2004, as illegal and arbitrary.

2. The brief facts that are necessary for disposal of this writ petition may be stated as follows:

The petitioner was appointed as Dental Assistant Surgeon initially for a period of one year on contract basis as per the proceedings of the third respondent dated 05.2.2004. The petitioner reported for duty on the FN of 05.02.2004. While so, the second respondent, without issuing prior notice to the petitioner, issued proceedings in Rc.No.23501/E11.D/04 dated 09.09.2004 stating that consequent on appointment of Dr.D.S.Usha Rani by Government under G.O.Ms.No.300 dated 8.9.2004 HM & FW (A2) Deptt; as Dental Asst. Surgeon on compassionate grounds, the services of the petitioner was terminated on administrative grounds, without issuing prior notice. Aggrieved of the same, the present writ petition is filed.

3. The third respondent filed counter affidavit contending that the petitioner was selected by the duly constituted selection committee and the 3rd respondent issued appointment orders in proceedings Rc.No.3663/G1/2003 dated 05.02.2004. Thereafter, the third respondent issued a detailed appointment order in proceedings Rc./No.3663/G1/2003, dated 22.3.2004 mentioning that the appointment of the petitioner is purely temporarily on contract basis and depending upon the necessity he is liable for termination at any time without prior notice. The petitioner had also executed an undertaking stating that he shall abide by the conditions of the Government in case of leaving the institution. It is further contended that the

petitioner was engaged on contract basis and there is no binding on the part of the administrators to take him on regular basis or to recommend the Government to give any weightage to the services rendered as and when applied for a regular post. There is no need to issue any advance notice, as the petitioner is not a regular Government employee. Hence, the writ petition is liable to be dismissed.

4. The learned counsel for the petitioner contended that though the contract period is subsisting till 04.02.2005, without assigning any reasons the impugned proceedings have been issued on 9.9.2004 terminating contract of employment and he further contended that this order may cause stigma on the petitioner in any future appointments and hence he prays to set aside the same.

5. On the other hand, the learned Government Pleader for Medical and Health contended that the writ petitioner executed a bond abiding terms and conditions of the Government and as per the appointment order, the termination can be made without assigning any reasons and hence there are no grounds to interfere with the order.

6. Heard the learned counsel for the petitioner as well as the learned Government Pleader for Medical and Health appearing for the respondents.

7. The petitioner was selected by a duly constituted selection committee, as Dental Assistant Surgeon on contract basis in terms of G.O.Ms.No.1040 HM & FW dated 21.9.2001. The appointment order dated 22.3.2004 was given whereunder the petitioner was admitted for duty and he will be on duty for a period of one year from 05.02.2004 to 04.02.2005. It is also made clear in the appointment order that his appointment was purely temporarily on contract basis depending upon the necessity and liable for termination at any time without prior notice or assigning any reasons therefor. The petitioner also executed a bond stating that he will accept to abide by the conditions stipulated by the Government in case of leaving the institution.

8. Since the contract period is over, it is not desirable to give any finding with regard

to impugned proceedings because it is an academic issue, this court need not answer or give a finding on the academic issues. But the grievance of the writ petitioner is that the impugned order may come in his way in seeking appointment in future and it may cause stigma on his career. The impugned order dated 09.09.2004 reads as follows:

> " Consequent on appointment of Dr.D.S.Usha Rani by Government under reference 2nd cited as Dental Asst. Surgeon, the services of Dr.T.V.N.N. Ram Prasad, Dental Asst. Surgeon, Govt. General Hospital, Kurnool who is on contract appointment, hereby terminated on administrative grounds."

Thus, there is no allegation in the impugned proceedings to show that the service of the petitioner was terminated on any misconduct. Therefore, the impugned order does not indicate that it will cast stigma on the petitioner in future appointments. Therefore, the petitioner if otherwise qualified in the future appointments, his services can be utilized by the respondents in case of any notifying posts.

9. With the above observation the writ petition is disposed of. The termination of writ petitioner by proceedings Rc.No.23501/E11.D/04 dated 9.9.2004 shall not be taken as a ground by the concerned authorities for denying the selection if he is otherwise qualified.

_____

**K.C.BHANU,J.**

Date: 13th July 2005.

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary to Government,

Govt. of A.P. Medical & Health Department,
Secretariat, Saifabad, Hyderabad.

2. The Director of Medical Education,

Andhra Pradesh, Hyderabad.

3. The Superintendent, Govt. General Hospital,

Kurnool.

4. Two CCs to the Govt. Pleader for Medical & Health,

High Court of A.P., Hyderabad (OUT).

5. Two CD copies

*Form-NIC-OGS/WP{**RLD**}*